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February 11, 2009

**Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463**

Re: MUR 6164

Dear Mr. Jordan:

The undersigned is Counsel of Record for the Economic Freedom Fund ("EFF"), which is a respondent named in the above-referenced MUR. (See attached Counsel of Record form.)

This is to request that the Commission take no further action on the complaint as to EFF.

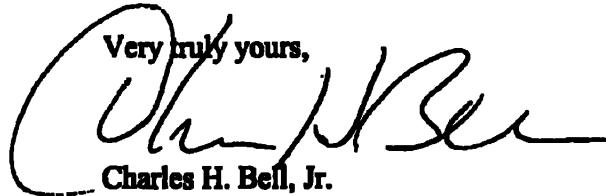
The complaint alleges that an individual who is unknown to EFF made "one" telephone call to a number identified as belonging to EFF. On that basis, the complaint spins out an incredible set of claims – that this individual coordinated campaign activities with a member of Congress and that EFF engaged in reportable in-kind contributions to a member of Congress and Congressional candidate in 2006. The claims are totally unsupported and frivolous.

The telephone number is identified on Attachment A to the complaint, at page 14 of 57 of Cingular telephone records for the billing cycle date: 09/07/06-10/06/06, purportedly those of a "Herman Bernitt." That telephone number, [REDACTED], was an unmonitored telephone number assigned to EFF. That number was identified on EFF's website which existed at the time. Neither EFF nor any of its former agents knows a Herman Bernitt. Neither EFF nor any of its former agents recalls receiving any telephone call from a Herman Bernitt. Neither EFF nor any of its former agents "shared" any information with a Herman Bernitt. EFF had ceased making any autodialed "electioneering communication" calls on issues of public interest to citizens of Indiana by September 13, 2006. This is a matter of record as reflected in EFF's response to the Commission in MUR 5842. According to the telephone record here, Mr. Bernitt called the unmonitored EFF number on September 19, 2006. That is the sole basis for this completely speculative complaint against EFF. The complaint refers to litigation against Mr. Bernitt and a 527 entity allegedly controlled by him. However, the complaint contains no other evidence, let alone credible evidence, of the wild accusations made against EFF attributed to that "one telephone call"!

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For these reasons there is simply no factual basis for the allegations of the complaint against EFF, and the Commission should take no further action in this matter against EFF.

Please feel free to contact me if you have any questions concerning this complaint or response.

Very truly yours,

Charles H. Bell, Jr.
Counsel of Record

CHB: sd

Enclosure

STATEMENT OF DESIGNATION OF COUNSEL

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2009 FEB 25 A 10:38

MUR 6164

NAME OF COUNSEL: Charles H. Bell, Jr.

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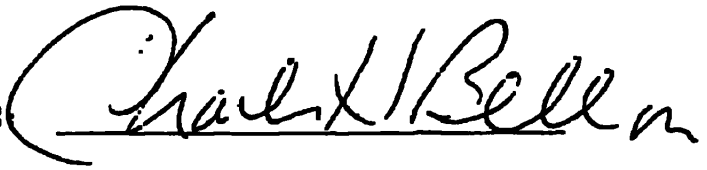
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The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

DATE: 2/11/09

SIGNATURE



RESPONDENT'S NAME: Economic Freedom Fund

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